

United States District Court  
Northern District of California

UNITED STATES OF AMERICA,

Plaintiff,

v.

HENRY CERVANTES (a/k/a “Happy”),

Defendant.

Case No.: CR 12-00792-YGR-1 (KAW)

DETENTION ORDER

I. DETENTION ORDER

Defendant Henry Cervantes (a/k/a “Happy”) is charged by superseding indictment with ten counts, including 18 U.S.C. § 1959(a)(1) (murder in aid of racketeering). At the January 17, 2013 hearing before this Court, Defendant, who was in custody and represented by counsel John Philipsborn, waived the timing of his right to proffer information at a detention hearing, *see* 18 U.S.C. § 3142(f), and also waived findings, while retaining his right to seek release at a later hearing should his circumstances change. Assistant United States Attorney Kathryn Haun appeared on behalf of the United States. U.S. Probation Officer Sonia Lapizco also appeared. The Court notes that Defendant has an active, no bail arrest warrant in connection with a 2011 arrest for murder, which is a violation of his supervised release.

II. CONCLUSION

The Court hereby detains Defendant, but because he has waived his right to present information under 18 U.S.C. § 3142(f) without prejudice to raising relevant information at a later hearing, the Court orders that the hearing may be reopened at Defendant’s request at any future time.

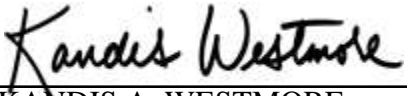
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Defendant shall remain committed to the custody of the Attorney General for confinement in a corrections facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal. Defendant shall be afforded reasonable opportunity for private consultation with counsel. On order of a court of the United States or on request of an attorney for the Government, the person in charge of the corrections facility in which Defendant is confined shall deliver Defendant to a United States marshal for the purpose of an appearance in connection with a court proceeding.

IT IS SO ORDERED.

Dated: January 22, 2013

  
KANDIS A. WESTMORE  
United States Magistrate Judge